IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5914 OF 2005

1. Shri Pillasingh GunghuruSingh Tak ..Applicant

vs

State of Maharashtra .. Respondents

Mr.M.S.Adenwala for Applicant

Mr A.S.Gadkari APP for Respondents

CORAM : A.M.KHANWILKAR, J

DATE: 20th October, 2005

P.C.

1. Heard counsel for the parties.

2. There is no change in circumstances. Counsel for the applicant however, submits that the co-accused has been released on bail by me on 3rd May, 2005. The said order was however not annexed to the present appliction and has been produced by the learned A.P.P. In that case, in so far as the

co-accused are concerned, they have been released on bail inter alia on the ground that they have not been identified. In so far as the present applicant is concerned, on the previous occasion his bail application came to be rejected on merits and also because the applicant had not approached the court with clean hands in as much as the applicant did not disclose the fact that there were 7 criminal cases pending against him. The order passed on earlier occasion on 12th October, 2004 passed by me is not annexed to the present application and the same has been produced by the learned A.P.P. Even the present application does not disclose the fact that there are other criminal cases pending against the applicant which was the ground on which earlier bail application was rejected. Besides, I am informed by the learned A.P.P. that now the applicant has been named in the offence under the provisions of M.O.C.A. Act which is a serious offence and no bail can be granted therein. As the applicant has not brought to the notice of this court the material facts that there are criminal cases pending against him, the application deserves to be dismissed on that ground alone. Hence, rejected.

A.M.Khanwilkar J